

AMENDED IN SENATE MARCH 4, 2002

SENATE BILL

No. 1887

Introduced by Senator McPherson

February 22, 2002

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~~An act to amend Section 2002 of the Penal Code, relating to prisons.  
An act relating to property of felons, and declaring the urgency thereof,  
to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1887, as amended, McPherson. ~~Prisons~~ *Property of felons.*

*Existing law imposes an involuntary trust upon the proceeds and profits, as defined, from the sale or transfer of any thing or right of a felon, the value of which is enhanced by the notoriety gained from the commission of the felony, and specifies procedures whereby the beneficiaries of the trust, as defined, may enforce their rights under the trust. The California Supreme Court, in Keenan v. Superior Court of Los Angeles, held the provisions of this law, known as the 'Son of Sam' law, were facially invalid under both the state and federal constitutions as violating protections on free speech.*

*This bill would state the intent of the Legislature to address the issues raised by the California Supreme Court in Keenan v. Superior Court of Los Angeles regarding the California "Son of Sam" law.*

*The bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law provides that the primary purpose of the California Institution for Men shall be for the imprisonment of male offenders who seem capable of rehabilitation.~~

~~This bill would provide instead that the primary purpose of that institution is to provide confinement, industrial and other training,~~

~~treatment, and care to male offenders who seem capable of rehabilitation.~~

~~This bill would provide that it shall not be construed to modify, impair, or otherwise affect any contractual agreement that is in effect on the date the bill becomes effective between the Department of Corrections and any collective bargaining unit, and that it shall not be used by the Department of Corrections to justify any change in staffing at the California Institution for Men.~~

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 2002 of the Penal Code is amended to~~  
 2 *SECTION 1. It is the intent of the Legislature to address the*  
 3 *issues raised by the California Supreme Court in Keenan v.*  
 4 *Superior Court of Los Angeles regarding the California “Son of*  
 5 *Sam” law.*

6 *SEC. 2. This act is an urgency statute necessary for the*  
 7 *immediate preservation of the public peace, health, or safety*  
 8 *within the meaning of Article IV of the Constitution and shall go*  
 9 *into immediate effect. The facts constituting the necessity are:*

10 *In order for the Legislature to initiate procedures to clarify the*  
 11 *status of existing law regarding the issues addressed by this act, it*  
 12 *is necessary that this act take immediate effect.*

13 ~~read:~~

14 ~~2002. The primary purpose of the California Institution for~~  
 15 ~~Men shall be to provide confinement, industrial and other training,~~  
 16 ~~treatment, and care to male offenders who, in the opinion of the~~  
 17 ~~department, seem capable of moral rehabilitation and restoration~~  
 18 ~~to good citizenship.~~

19 ~~SEC. 2. This act shall not be construed to modify, impair, or~~  
 20 ~~otherwise affect any contractual agreement that is in effect on the~~  
 21 ~~date this act becomes effective between the Department of~~  
 22 ~~Corrections and any collective bargaining unit, and shall not be~~  
 23 ~~used by the Department of Corrections to justify any change in~~  
 24 ~~staffing at the California Institution for Men.~~